

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JULY 6, 1999 - 7:00 P.M.**

ROLLCALL Answering rollcall were Members Faust, Hovland, Kelly, and Mayor pro tem Maetzold.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Kelly and seconded by Member Hovland approving the Council Consent Agenda as presented with the exception of Agenda Item III.A.1. and 2. Set Hearing Date for July 20, 1999, and Agenda Item V.H. Signatory Resolution.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

***MINUTES OF THE REGULAR MEETING OF JUNE 15, 1999, APPROVED** Motion made by Member Kelly and seconded by Member Hovland approving the minutes of the June 15, 1999, Regular Council Meeting.

Motion carried on rollcall vote - four ayes.

RESOLUTION ADOPTED ORDERING BROOKVIEW AVENUE AND WEST 56TH STREET CURB AND GUTTER IMPROVEMENT NO B-096 Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Engineer

Assistant Engineer Houle noted the City had received a petition from 27 of the 31 residents in the neighborhood requesting the installation of bulkhead style concrete curb and gutter along Brookview Avenue from Woodland Road to West 56th Street and along West 56th Street from Oaklawn Avenue to Park Place. He said that previously the Council requested staff resurvey the neighborhood to determine how many residents wanted curb and gutter and what type they wanted installed.

Assistant Engineer Houle reported that residents residing north of West 56th on Brookview overwhelmingly did not want curb and gutter installed. Their responses were 3 in support of the project and 13 not in support of the project. However, residents of West 56th Street and Brookview south of West 56th supported the project. These residents responded in favor of the project seven times and against the project three times.

Assistant Engineer Houle explained the project would consist of removing two feet of pavement along the outer edge of West 56th Street and along the first three lots on Brookview south of West 56th Street, excavating approximately one to five feet of boulevard, and excess soils within the area, removing existing driveway ends, installing bulkhead style concrete curb and gutter, then patching the removed bituminous and resodding. All driveways would receive new concrete aprons. In addition, any sprinklers and other landscaping

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disturbed during construction would be repaired. He stated that the project had been scaled back based on the survey results to include only Brookview Avenue residents south of West 56th and West 56th Street residents between Oaklawn and Park Place. The revised estimated project cost of \$36,200 would be funded by special assessments against benefited properties of \$52 per assessable foot.

Public Comment

James Grotz, 5513 Park Place, said that when it rains a large portion of the City's rain water drains down Brookview. Mr. Grotz questioned why this drainage pattern was allowed and suggested that something be done at the City's expense to rectify the problem. Assistant Engineer Houle said the drainage issues in the area were inherited due to the topography and the way the City developed over the years. He added that drainage will be reviewed when the improvement project is designed.

Mark McCarthy, 5537 Brookview, commented that after a one inch rainfall he has dirt as far as ten feet into his yard. Member Hovland asked what the effect would be of running curb and gutter further north on Brookview. Assistant Engineer Houle noted that Brookview does flatten out. Engineer Hoffman pointed out that Brookview is no different than Parkwood Drive. He said that when an inch of rain comes in fifteen minutes nothing will handle it. Engineer Hoffman reminded that major portions of Edina do not have storm sewer. The Engineer will review this issue in the design stage to see if reshaping the boulevard would aid in catching the water.

Member Hovland asked what the average cost would be for each homeowner in the project area. Assistant Engineer Houle said the estimated cost would be between \$3,200 and \$4,500 per lot.

Member Faust introduced the following resolution and moved its adoption:

RESOLUTION ORDERING CURB & GUTTER IMPROVEMENT NO. B-096

WHEREAS, the Edina City Council on the 3rd day of May 1999, fixed a date for a council hearing on the proposed concrete curb and gutter installation, Improvement No. B-096 and

WHEREAS, a report has been prepared by the Edina City Engineer with reference to the Improvement No. B-096 installation of concrete curb and gutter on West 56th Street between Oaklawn and Park Place and Brookview Avenue between Woodland Road to West 56th Street, and this report was received by the Council on July 6, 1999; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 6th of July, for Improvement No. B-096 installation of concrete curb and gutter on West 56th Street between Oaklawn and Park Place and Brookview Avenue between Woodland Road to West 56th Street, at which hearing all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED that the Council has duly considered the views of all persons interested, and being fully advised of the pertinent facts, does hereby determine to proceed with the construction of said improvement, including all

proceedings which may be necessary in eminent domain for the acquisition of necessary easements and rights hereby designated and shall be referred to in all subsequent proceedings as Improvement No. B-096 installation of concrete curb and gutter on West 56th Street between Oaklawn and Park Place and Brookview Avenue between Woodland Road to West 56th Street.

BE IT FURTHER RESOLVED, by the Edina City Council:

1. Improvement No. B-096 installation of concrete curb and gutter on West 56th Street between Oaklawn and Park Place and Brookview Avenue between Woodland Road to West 56th Street is hereby ordered as proposed;
2. The Edina City Engineer is hereby designated as the engineer for this improvement. The City Engineer shall prepare plans and specifications for the making of such improvement.
3. The City Engineer is hereby authorized to advertise and take bids for Improvement No. B-096 installation of concrete curb and gutter on West 56th Street between Oaklawn and Park Place and Brookview Avenue between Woodland Road to West 56th Street.

Adopted this 6th day of July, 1999. Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Resolution adopted.

PUBLIC HEARING WEST 76TH STREET AND EDINBOROUGH WAY TRAFFIC SIGNAL CONTROL SYSTEM IMPROVEMENT NO TS-27 CONTINUED UNTIL AUGUST 3, 1999

Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Engineer

Engineer Hoffman explained the hearing had been continued from May 17 and June 15, 1999.

Engineer Hoffman reviewed that the proposed signal was not a part of the master plan for Centennial Lakes. However, after completion of the Edinborough Townhomes and Centennial Lakes Townhomes, staff received many resident calls requesting the City install a traffic signal at West 76th Street and Edinborough Way. The traffic signal was not warranted until the addition of the new office buildings. The proposed total traffic volumes from the existing properties and the new office buildings now justify the installation.

Engineer Hoffman added the new installation would not enhance the traffic flow along West 76th Street. West 76th Street is a major planned arterial roadway running parallel to I-494 and is meant to serve intra-community and nearby community non-freeway trips. Edina, along with Bloomington and Richfield have participated in the integrated corridor management system of I-494. The proposed signal would be a safety improvement benefiting nearby properties using the intersection for access to their properties.

Engineer Hoffman stated that the townhome association surveyed their residents. He noted that most responses from neighbors indicate that they believe no assessment should occur to their property but only to the office property.

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Engineer Hoffman added the estimated project cost of \$154,260.00 could be split as follows and assessed over three years:

- 50% - State Aid
- 25% - Office Assessment
- 25% - Adjacent Neighborhood Townhomes and Cooperatives

At Council's request staff completed a 48 hour volume count on the intersection. The results of the raw data counts were:

- Westbound West 76th Street 7273 average daily traffic
- Eastbound West 76th Street 5905 average daily traffic
- Southbound Edinborough Way 455 average daily traffic
- Northbound Edinborough Way 2131 average daily traffic

Engineer Hoffman noted that if the West 76th Street volumes are added together and factored for time taken during the week and month, the numbers are very similar to what was on 76th Street in 1997. He said this indicated that the average annual daily traffic (AADT) has been in the 10,000 to 11,000 range before Centennial Lakes offices, but certainly the offices do add an increment of volume.

Upon staff's review of existing and projected conditions, it would appear that the signal is going to be necessary although staff believes it will disrupt the "through flow" on West 76th Street.

Engineer Hoffman said residents fairly strongly believe that "someone else" should finance the improvement, although a considerable number perceive this improvement as necessary for public safety. A poll of the public safety zone officers from the Edina Police believe a traffic signal is needed.

Staff recommends approval of the project and also recommends a final decision be made on the split of the assessment at the special assessment hearing. Current information would suggest those north of West 76th Street do not favor assessment, but very few comments have been received from Edinborough Townhomes suggesting that special assessment of a small portion may be appropriate.

Member Hovland asked how much each property owner would be assessed. Engineer Hoffman responded that each property would be assessed \$55.00 spread over three years.

Maetzold asked if the office building had always been in the plan for the area. Engineer Hoffman replied that originally the office building was larger with a higher density. He added this installation is a safety issue. Fourteen years ago it was thought that cars would stay on freeways, however, now drivers are being encouraged to find alternate routes via arterial roadways.

Member Faust commented that she drove through the area during rush hour and noticed a backup of traffic from McDonalds' almost to 76th Street. She asked if this would be a problem.

Member Kelly said he had the same observation. He asked if installation of the signal was imperative. Engineer Hoffman agreed that the fewer signals in a corridor the better the flow of traffic. However, in his opinion the proposed signal is needed to allow time for safe turning movements.

Member Faust asked if the new office development when built will further reduce the individual cost of the assessments. Engineer Hoffman explained the office property had already been factored into the assessment rolls. However, he suggested the Council could order the installation of the light and decide how to assess the cost at the special assessment hearing in the fall. They could also decide to pay the entire cost out of the City's gas tax if they so choose.

Public Comment

Joseph Jessup, 7540 Edinborough Way, explained he was representing the Village Homes for Al Maier, Association President, who was out of town. Mr. Jessup said he assumed the Council has seen the survey responses from the townhomes. He noted that 51.2% residents' survey responded. Of the respondents 55% did not think a light was necessary and 41% thought it was needed. In addition, 34% would accept an assessment for the light's installation, but 69% wanted to wait and see. Mr. Jessup concluded the prevailing opinion of the residents is that there is a traffic problem caused by the office development so they should not have to pay to resolve the problem. He pointed out that a common survey comment was that the 1989 model showed no commercial development which has contributed heavily to the traffic. Mr. Jessup noted that a resident had researched the City Council meeting minutes from March 16, 1998, which stated, "...Member Hovland questioned the cost of the traffic semaphore on Edinborough Way and 76th Street and if the traffic lights at the 'McDonald's' corner would be borne by United Properties. Brian Carey answered United Properties, along with the developer of the Centennial Lakes Retail Center, will pay for the Edinborough Way and 76th Street light in its entirety. The City's policy is when the intersection is created by two private drives, it is the developers responsibility to pay for it. When an intersection is made up of public roadways, it is the City's responsibility. Engineer Hoffman clarified that part of the cost of the signal could be assessed back to property owners...." Mr. Jessup suggested Mr. Carey be contacted and asked to pay for the light. He added that he did not agree the West 76th and Edinborough Way light could be compared to the light installed on Cornelia. Mr. Jessup also stated that many residents believe a protected left hand turn should be installed at West 76th and York.

Council Discussion/Action

Member Hovland commented that the light seems to be a safety issue as determined by experts. He said it appears from the quoted minutes that the developer of the office needs to be contacted again. Member Hovland suggested postponing a decision on the assessment allocation and ordering the light installed.

Member Faust said she did not think it would be known until after the office is fully developed how necessary the light would be. She suggested waiting until after the final building is completed before making a decision to install a light.

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Member Kelly stated he was troubled by the dichotomy of improving traffic flow and improving safety. He added he was always hesitant when residents say I think there should be a light, but I am not willing to help pay for it's installation. Most compelling also was Mr. Carey's comment quoted from the March 16, 1998, minutes stating that Mr. Carey's firm would pay for the entire installation.

Mayor pro tem Maetzold asked how significant a safety issue is the light installation. Engineer Hoffman replied that he brought the issue before the Council because it is a safety issue. The timing is right to build the light. He noted that his recommendation to install the light was based upon what the police officers and staff see in the area.

Member Kelly asked what would happen to the City if they do not install the light and an accident occurs. Attorney Gilligan replied that cities have legislative immunity in this kind of situation. He reminded the Council that a 4/5 vote is needed for this project because it was staff initiated. He added that he believed the office developer would need to be re-notified before a larger amount could be assessed to them because the original notice had stated the 25% amount suggested by staff.

Member Kelly suggested that the matter be held over and the Engineer contact Mr. Carey. This would also allow renotification if it was determined to be legally necessary.

Motion by Member Kelly to continue the Public Hearing for Traffic Control System Improvement TS-27 West 76th Street and Edinborough Way until August 3, 1999; and directing the City Engineer to contact the developer of the office building, Brian Carey regarding his contribution to pay the cost of the installation. Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

HEARING DATE OF JULY 20, 1999, SET FOR PLANNING MATTERS Member Faust said she removed this item from the Consent Agenda for clarification. Manager Hughes explained because the Independence Day holiday moved up the publication deadline for the paper, staff was forced to publish the hearings before the Planning Commission's meeting. The Planning Commission recommended denial of both items. Therefore, both items may be before the Planning Commission again with revised plans. However, at this time it is not known if the applicants intend to continue with their original plans before the Council July 20, 1999, so the best action is to set the hearing date.

Motion made by Member Faust setting July 20, 1999, as hearing date for planning matters:

- 1. Preliminary Plat Approval of High Point of Edina, Harold Hagen, Generally located south of 66th Street and each of Normandale Road**
- 2. Preliminary Plat Approval for Waterman Addition, Waterman Partners, 6525 Waterman Avenue.** Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

***BID AWARDED CONTRACT 99-4 STREET IMPROVEMENTS NO. A-184, A-185, A-186, A-187, AND A-188** Motion made by Member Kelly and seconded by Member Hovland for award of bid for Street Improvements No. A-184, A-185, A-186, A-187, A-188, to recommended low bidder, Midwest Asphalt Corporation at \$789,727.30.

Motion carried on rollcall vote - four ayes.

***BID AWARDED FOR 2 ¾ CUBIC YARD ARTICULATED LOADER** Motion made by Member Kelly and seconded by Member Hovland for award of bid for 2 ¾ cubic yard articulated loader to recommended low bidder, St. Joseph Equipment under State Contract 422446 at \$46,497.94.

Motion carried on rollcall vote - four ayes.

***BID AWARDED FOR INSURANCE RENEWAL; EQUIPMENT, PUBLIC OFFICIALS, POLICE PROFESSIONAL, AUTO, GENERAL LIABILITY INCLUDING LIQUOR AND EMPLOYEE BENEFIT AND WORKERS' COMPENSATION** Motion made by Member Kelly and seconded by Member Hovland for award of bid for equipment, public officials liability, police professional, auto, general liability including liquor and employee benefit and workers' compensation insurance to sole bidder, St. Paul Companies at \$446,983.

Motion carried on rollcall vote - four ayes.

***BID AWARDED FOR PROPERTY INSURANCE RENEWAL** Motion made by Member Kelly and seconded by Member Hovland for award of bid for property insurance to sole bidder, Travelers Insurance at \$41,679.

Motion carried on rollcall vote - four ayes.

TRAFFIC SAFETY STAFF REVIEW - SECTION B.2 DECISION UPHELD Traffic Safety Coordinator Bongaarts explained the Traffic Safety Staff Review Section B.2 was continued from the June 15, 1999, Council meeting. Residents were notified to be in attendance to discuss the Traffic Safety Committee's recommendation for denial for STOP signs on Mirror Lakes Drive at Ayrshire Boulevard because no new evidence of any problems or warrants were found. Coordinator Bongaarts commented no residents were in attendance to speak to the issue. Manager Hughes suggested the concerned residents be contacted about their intentions.

Member Kelly made a motion to uphold the Traffic Safety Staff Review Section B.2 decision of denial for STOP signs on Mirror Lakes Drive at Ayrshire Boulevard as no new evidence of problems or warrants exist. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

***RESOLUTION APPROVED - NO PARKING ANY TIME ON TRACY AVENUE PARKING BAY AT COUNTRY SIDE SCHOOL** Motion made by Member Kelly and seconded by Member Hovland introducing the following resolution and moving its approval:

RESOLUTION

**RELATING TO PARKING RESTRICTIONS ON
S.A.P. 120-152-11 FROM BENTON AVENUE TO COUNTRYSIDE ROAD
IN THE CITY OF EDINA, MINNESOTA**

THIS RESOLUTION, passed this 6th day of July, 1999, by the City of Edina in Hennepin County, Minnesota. The Municipal corporation shall hereinafter be called the "City" WITNESSETH:

WHEREAS, the "City" has planned the improvement of MSAS 152, Tracy Avenue from Benton Avenue to Countryside Road.

WHEREAS, the "City" will be expending Municipal Street Aid funds on the improvement of this Street, and

WHEREAS, this improvement does not provide adequate width for parking on both sides of the street; and approval of the proposed construction as a Municipal State Aid Street project must therefore be conditioned upon certain parking restrictions;

NOW, THEREFORE, IT IS THEREBY RESOLVED, that the "City" shall ban the parking of motor vehicles on the west side of MSAS 152, Tracy Avenue from Benton Avenue to Countryside Road, at all times, except for parking bay.

Dated this 6th day of July, 1999.

Motion carried on rollcall vote - four ayes.

*RESOLUTION AUTHORIZING MANAGER TO EXECUTE ASSURED CARE PROVIDER CONTRACT WITH HENNEPIN COUNTY FOR 1999 - 2000 Member Kelly introduced the following resolution seconded by Member Hovland:

**RESOLUTION
AUTHORIZING ASSURED CARE PROVIDER
CONTRACT NO. A10219 WITH HENNEPIN
COUNTY 1999 - 2000**

WHEREAS, Hennepin County, on behalf of the City of Edina Fire Department wishes to include the Edina Fire Department Ambulance as a member of the Hennepin County Assured Care Provider Network; and

WHEREAS, the Edina Fire Department wishes to provide services to participants in the Hennepin County Assured Care program.

NOW, THEREFORE BE IT RESOLVED, by the Edina City Council, that the City Manager is hereby authorized and directed to execute Hennepin County Contract No. A10219 on behalf of the City of Edina Fire Department.

Adopted this 6th day of July, 1999.

Motion carried on rollcall vote - four ayes.

*INFLOW/INFILTRATION SUMP PUMP INSPECTION PROGRAM LETTER AUTHORIZED FOR DISTRIBUTION Motion made by Member Kelly and seconded by Member Hovland authorizing distribution of a Inflow/Infiltration Sump Pump Inspection Program Letter to property owners who have failed inspections and not corrected he problem to the best of staff's knowledge.

Motion carried on rollcall vote - four ayes.

RESIDENTIAL PARKING BAY REVIEW REPORTED Assistant Engineer Houle reported the review occurred since there are many street improvement underway on residential street

where some homeowners have carved out or paved over City boulevards to create additional parking space. After reviewing the issue with the Planning and Police Departments and the City Manager, the Engineering Department recommends the unapproved bays be removed whenever a new street project occurs, as a matter of policy. Staff believes this will reduce the use of public boulevards as "parking lots." The City Code that exists is a good community policy. Another reason to eliminate unapproved paved parking surfaces, is the additional run-off of stormwater. The more run-off per lot that occurs, the greater the flooding risk is in low areas.

Resident comment

Joe Blair, 5137 Bedford, submitted a letter in April regarding his parking bay that has been in place since 1976. Upon speaking to the Planning Department a few years ago, he was told while it is not legal, they understood the problem with no place to park all their vehicles. He pointed out other areas in the City where vehicle parking is not complying with the Code. He asked for consideration with his parking problem.

Member Kelly made a motion adopting staff's recommendation to continue current Code requirements which prohibits parking within fifteen feet of traveled portion of roadway in single family or double residential zones. Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

APPROVAL GRANTED TO DRAFT OF PROPOSED COMMUNITY SURVEY Assistant Manager Anderson presented a draft of the community survey that Decision Resources prepared for the City. The survey consists of 110 questions that will assess the opinions of City of Edina residents in four areas:

QUALITY OF LIFE: How satisfied are residents with their lives in Edina? What are the needs of the community? What services and facilities serve the community well? Are there any priorities for specific services or facilities? Should any services or facilities be terminated?

FUTURE SCENARIOS: What should the community be like in the year 2010? What trade-offs are residents willing to accept to achieve these ends? What are the challenges and barriers toward these goals?

CHANGING CITY DEMOGRAPHICS: Does the current population profile suggest policy changes for the long run? Among newer residents, what characteristics attracted them to the City? What are the major community values the older residents want to maintain in the future?

PARK/PUBLIC FACILITY OPTIONS: Awareness of park facilities - Rating of park facility options within the City - are there any park facilities missing? Would the community favor construction of a community center? Would the community center be supported if property taxes were increased to pay for operation and construction.

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Assistant Manager Anderson noted that copies of the survey have been circulated to the school district, the Chamber of Commerce and the Hoisington Koepler Group, for comment. Decision Resources would begin surveying immediately and bringing results back the first week in August. This would allow Council to receive the results by the second August meeting.

Council comment:

Member Kelly commented the survey is good and thorough.

Member Faust asked the cost of the survey. Assistant Manager Anderson said approximately \$10,000.

Member Hovland inquired whether residents would take the time on the phone to answer the surveyor. Assistant Manager Anderson said when the community is involved, residents will take the time to be responsive. Manager Hughes said this is not an unusually long questionnaire for a City, but it is thorough. Assistant Manager Anderson said Decision Resources is very customer oriented and will be accommodating with times to acquire responses from the residents.

Member Faust inquired whether it was a random survey. Assistant Manager Anderson said Decision Resources will call approximately 400 residents and if a cross-section of demographics needed for a qualified survey and not reached, they will continue surveying until the demographics are met.

Member Kelly said he noted no housing options for the elderly were mentioned and could there be a better way to address these. He also noted no mention of basketball/volleyball courts or gymnasiums. Assistant Manager Anderson said they tried to look at more facilities operated by the City versus facilities operated by the school district.

Mayor pro tem Maetzold asked if the survey is being based on things only the City does, he voiced concern with what is being missed. Assistant Manager Anderson said the basketball programs are operated within the existing school facilities. Staff wanted to review what is operated by the City and leave question #84 open for additional questions that might come forward. Manager Hughes said the circulated copies of the survey did not elicit responses, but a question could be included referring to gymnasiums/performing arts.

Mayor pro tem Maetzold said the survey firm should be questioned about whether there is a paradigm as a whole or should we be getting into school related questions. Assistant Manager Anderson said the survey was built off the community meeting held on April 15, 1999, but could be expanded upon.

Member Kelly noted they would like to know what the rest of the community that did not attend the meeting think. He would like to know how good the services are that are already provided but are there services that should be provided. If the response is that it is a school district responsibility, it can go to the school district.

Mayor pro tem Maetzold said based upon the discussion; maybe the word 'community' of Edina should replace the 'City' of Edina within the survey. He said maybe the community center could be referred to as an activity center to alleviate confusion as well.

Member Hovland asked if the survey was thinking far enough into the future. He further thought a question should be included about thoughts on the quality of the educational system as well as a continued commitment to quality infrastructure. He further questioned questions dealing with self-assessment and whether it had anything to do with Vision 20/20.

Manager Hughes said one of the best ways to have people articulate their vision of the future is to ask them to rank the present. If the present is not what it ought to be, they are saying what the future ought to be. He asked for help defining activity center.

Following a brief Council discussion, 'Activity Center' was defined as containing a Senior Center, Library, Performing Arts Center, Gymnasiums, Physical Fitness Center, and is a place where people come together and perform activities.

Mayor pro tem Maetzold called for resident comment. None was forthcoming.

Member Hovland made a motion approving the draft of the proposed community survey with noted changes. Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

RESOLUTION APPROVING ANNEXATION OF MN/DOT PROPERTY FROM BLOOMINGTON TO EDINA FOR BRAEMAR FRONTAGE ROAD Engineer Hoffman explained MnDOT is completing a renovation of the TH 169/I-494 interchange. Bloomington and Edina have agreed that a frontage road should be constructed to tie West 78th Street into the Valley View Road interchange at Highway 169. Edina needs the frontage road located within its corporate boundary limits to be able to fund the construction from the municipal state aid funds. Engineer Hoffman reported Bloomington has agreed to the annexation and will take the necessary action for it to be completed. He stated the Council needs to adopt a resolution annexing the land that will be forward to the Metropolitan Council's Office of Strategic and Long-Range Planning.

Following a brief Council discussion, **Member Faust introduced the following resolution and moved its approval:**

**RESOLUTION
EXPRESSING THE CITY OF EDINA'S DESIRE TO
DETACH CERTAIN LAND FROM BLOOMINGTON FOR
CONCURRENT ANNEXATION TO EDINA**

WHEREAS, the City Council of the City of Edina is the official governing body of the City of Edina; And

WHEREAS, the City Council finds that certain property now located in the City of Bloomington, County of Hennepin, State of Minnesota, described in Exhibit A (the "West

78th Street Property") which is attached hereto and made a part hereof, abuts the City of Edina and is properly subject to concurrent detachment and annexation by resolutions of the two councils of the two municipalities pursuant to Minnesota Statutes Section 414.061; and

WHEREAS, it is the desire of the City of Edina that the West 78th Street Property described in Exhibit A be concurrently detached from the City of Bloomington and annexed to the City of Edina; and

WHEREAS, this resolution is contingent upon adoption by the City Council of the City of Bloomington of a resolution approving the concurrent detachment and annexation of the property as provided above;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Edina in regular meeting assembled. That the above-described concurrent detachment and annexation be effective upon the issuance of the order of the Office of Strategic and Long-Range Planning or at such later date as provided by the Office of Strategic and Long-Range Planning in its order.

Exhibit A

PROPOSED PROPERTY DESCRIPTION (A)

Those parts of the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 18, Township 116, Range 21, Hennepin County, Minnesota, described as beginning at the southeast corner of Lot 3, Block 1, BRAEWOOD PARK, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said Hennepin County; thence South 1 degree 07 minutes 04 seconds East, assumed bearing, along the southerly extension of the east line of said Lot 3, a distance of 60.52 feet to a line 60.00 feet southerly of and parallel with the southerly line of said Lot 3; thence westerly, parallel with said southerly line of Lot 3 and its westerly extension, a distance of 890.11 feet along a non-tangential curve concave to the north having a radius of 7549.44 feet, a central angle of 6 degrees 45 minutes 20 seconds and a chord that bears South 84 degrees 47 minutes 50 seconds West; thence South 88 degrees 10 minutes 30 seconds West tangent to said curve a distance of 198.39 feet; thence North 1 degree 49 minutes 28 seconds West a distance of 9.74 feet; thence northwesterly a distance of 199.37 feet along a non-tangential curve concave to the northeast having a radius of 958.00 feet, a central angle of 11 degrees 55 minutes 27 seconds and a chord that bears North 74 degrees 51 Minutes 34 seconds West, to a southerly line of said plat of BRAEWOOD PARK having a bearing of South 88 degrees 00 minutes 39 seconds East; thence South 88 degrees 00 minutes 39 seconds East, along said southerly line of BRAEWOOD PARK, a distance of 117.44 feet to an angle point in said southerly line of BRAEWOOD PARK; thence North 88 degrees 10 minutes 30 seconds East, along said southerly line of BRAEWOOD PARK, a distance of 271.57 feet to a point of curvature in said southerly line of BRAEWOOD PARK; thence easterly a distance of 890.90 feet, along the southerly line of Lots 1, 2 and 3, said Block 1, BRAEWOOD PARK, along a tangential curve concave to the north having a radius of 7489.44 feet and a central angle of 6 degrees 48 minutes 56 seconds to the point of beginning.

PROPOSED PROPERTY DESCRIPTION (B)

Those parts of Lot 1, Block 2, CISKOVSKY'S ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, and the Northwest Quarter of the Northwest Quarter of Section 18, Township 116, Range 21, said Hennepin County, described as

beginning at the northeast corner of said Lot 1; thence South 0 degrees 45 minutes 30 seconds East, assumed bearing, along the east line of said Lot 1, a distance of 245.99 feet; thence North 55 degrees 28 minutes 52 seconds West a distance of 156.63 feet; thence northwesterly a distance of 211.76 feet along a tangential curve concave to the northeast having a radius of 433.00 feet and a central angle of 28 degrees 01 minute 14 seconds to the north line of said Northwest Quarter of the Northwest Quarter of Section 18; thence North 89 degrees 58 minutes 30 seconds East, along said north line of the Northwest Quarter of the Northwest Quarter of Section 18, a distance of 264.64 feet to the point of beginning.

Adopted this 6th day of July, 1999.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

RESOLUTION APPROVING SIGNATORY RESOLUTION Member Faust said she removed the signatory resolution from the consent agenda for modification. She asked that the statement "including the signer or signers of the check" be changed to read "signers of the check".

Member Faust introduced the following resolution and moved its adoption:

SIGNATORY RESOLUTION

BE IT RESOLVED that persons holding office as Mayor pro tem, Manager and Treasurer of the City of Edina, be and they hereby are authorized to act for this municipality in the transaction of any banking business with U.S. Bank (National Association (formerly known as first Bank National Association), Excel Bank (formerly known as Americana State Bank of Edina), Fidelity Bank, Norwest Bank Minnesota NA, Richfield Bank and Trust Co., National City Bank/Southdale Office and Western Bank (hereinafter referred to as the "Bank") from time to time and until written notice to any Bank to the contrary, to sign checks against said accounts, which checks will be signed by the Mayor pro tem, Manager, and City Treasurer. Each Bank is hereby authorized and directed to honor and pay any checks against such account if signed as above described, whether or not said check is payable to the order of, or deposited to the credit of, any officer or officers of the City, including the signers of the check. Member Kelly seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

***RESOLUTION APPROVING FOR FACSIMILE SIGNATURES** Member Kelly introduced the following resolution, seconded by Member Hovland:

**RESOLUTION AUTHORIZING USE OF
FACSIMILE SIGNATURES BY PUBLIC OFFICIALS**

RESOLVED that the use of facsimile signatures by the following named persons:

DENNIS F. MAETZOLD	Mayor pro tem
GORDON L. HUGHES	City Manager
JOHN WALLIN	Treasurer

on checks, drafts, warrants, warrant-checks, vouchers or other orders of public funds deposited in U.S. Bank National Association (formerly known as First Bank National Association), Excel Bank (formerly known as Americana State Bank of Edina), Fidelity Bank, Norwest Bank Minnesota NA, Richfield Bank and Trust Co., National City

Bank/Southdale Office and Western Bank, be and hereby is approved, and that each of said persons may authorize said depository banks to honor any such instrument bearing his facsimile signature in such form as he may designate and to charge the same to the account in said depository bank upon which drawn as fully as though it bore his manually written signature and that instruments so honored shall be wholly operative and binding in favor of said depository bank although such facsimile signature shall have been affixed without his authority.

Adopted this 6th day of July, 1999.

Motion carried on rollcall vote - four ayes.

METROPOLITAN RADIO BOARD ANTENNA LEASE TERMS APPROVED Assistant Manager Anderson explained at the June 1st Council meeting, staff was directed to negotiate a lease with the Metropolitan Radio Board (MRB). Staff met with members of the County involved in the project and had them identify the area of land they were interested in locating the antenna and the fenced compound. The City Engineer has identified the area of land that an access road can be constructed to the site. The following financial terms have been agreed to:

- Annual Rent: The County/MRB will pay \$3,000 per year commencing on September 1, 1999, with CPI adjustments occurring annually beginning January 1, 2001. The annual rental will be waived if the City commences use of the 800 MHz radio system.
- Road Construction Costs: The County/MRB shall reimburse the City an amount not to exceed \$20,000 for construction of an access road to the antenna site.
- Reimbursement for Site Location Costs: The County/MRB will reimburse the City 1/3 of the consulting costs related to the Gleason Tower/Braemar Arena South site analysis.
- Commercial Wireless Rent: The County/MRB will pay the City 50% of the rent payments received as compensation for the use of the land or tower by commercial wireless users.
- Maintenance of the Access Road: City agrees to maintain and plow the access road to the site.

Staff recommends approval of the lease terms and endorses the project as a necessary part of providing public safety communications for the metropolitan area.

Deputy Chief Siitari submitted a letter stating that Hennepin County is making a significant investment in the metro radio system. The location and elevation of the Braemar site are critical factors needed to design a functional system. The Minnesota State, Hennepin County Sheriff's Office and ambulance services that serve as our back-up will be using the system as their primary communications channel. These agencies regularly operate in our City and the proposed tower will help them provided necessary public safety services to our City and neighboring jurisdictions.

Council comment

Member Faust asked is the only tower located on City land.

John Urbach, with the Communications Division of Hennepin County Sheriff's Offices, said they have multiple antennas on County land. They will lease space in Rogers and Maple Plain as well. Member Faust asked what the City of Rogers will be paid for the leased land. Mr. Urbach said \$3,000 per year to locate the shelter on the property. Member Faust said if the City locates their 800 MHz system on the County antenna will their lease stop. Mr. Urbach explained as is the case in many areas the Hennepin County Sheriff's office is the 911 calling point and dispatch center for agencies in the area. The lease rents would stay. Assistant Manager Anderson said the reason it would be taken away is that we do our own dispatching.

Member Kelly asked if other communities pay for access to the 800 MHz system. Rents would stop because we would need to put up a microwave dish on our tower or build an additional tower to do that. Member Kelly asked what the lease is in Maple Plain. Mr. Urbach said the negotiated rate is \$10,000 per year for use of their water tower and land. Equipment necessary in the area would exceed the water tower use and they would lose out on other commercial revenues. Assistant Manager Anderson said if they co-located on the Gleason tower, we would have negotiated a higher rate because of depreciation to the tower.

Member Hovland asked for comments on commercial wireless rent. Mr. Urbach has been in contact with commercial carriers and if the Council approves the site, they might be interested. The area is established with existing 120-150 cell sites and the perception is the area is saturated. With company growth more requests might come in for the site in the future. Assistant Manager Anderson said when companies five year capital plans are expended there may be more interest in the site. Member Hovland asked if there are any prospects for commercial use at this time. Mr. Urbach said there are no prospects at this time. Member Hovland asked if alternative revenue sharing has been considered. Assistant Manager Anderson said this has not yet been discussed.

Member Kelly said there are a number of cities tapping into the 800 MHz system; with 15 - 20 cities participating we would be able to obtain an average cost of tapping into the system. We would then abate the rent up to the point of that average cost. Roger Lawrence, Communications Manager from Hennepin County, said the project would cost approximately 37 million dollars and 37 cities would be coming on the system. To connect to the 911 center, it would cost \$200,000 to make the microwave connection and would be financed on a leaseback with the County. He concluded the County's investment per city would be between \$200,000 and a million dollars. Member Hovland asked who would be a prospect to use the tower for their 800 MHz system. Mr. Lawrence said the County has invited all municipalities, school districts, and special districts (airport commission and University of Minnesota, Hennepin Parks) to use the system. Member Hovland asked if everyone is charged to use the system. Mr. Lawrence explained the County does not charge back the capital construction costs of the system nor operating costs. In addition, cities are not charged for their 911 calls service. Cities are asked to pay for their mobiles and portables and the County is willing to purchase those on a long term rental agreement method. With

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self dispatched cities, they are asked to pay for the dispatching console equipment and connection to the network (\$200,000). Member Hovland asked if \$3,000 could not be waived if the City does not get commercial rent equal to our lease amount. Mr. Lawrence believes language can be worked out that would accomplish this. Two things would need to happen in order for the \$3,000 to be forgiven; 1) the City would need to commence using the system and 2) within the City's 50%, or there would need to be a gross of \$6,000.

Member Faust voiced concern that Edina is contributing an 80 X 80 plot of land and are supposed to pay 1/3 of consulting costs and maintenance for the access road as well as construction costs for the access road. The other communities using it are paying nothing. She believes Edina is paying a disproportionate share. Assistant Manager Anderson said the County is reimbursing us for the cost of the road and for 1/3 of cost of consultants fees for the Gleason site.

Member Kelly said he would amend the terms if there was no abatement of the \$3,000 lease.

Mr. Lawrence said he has to go back and sell it to the County Board.

Member Kelly made a motion to approve the Metropolitan Radio Board antenna Lease Terms as amended to include the removal of any abatement of \$3,000 rents. Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

MAYOR'S VACANCY Attorney Gilligan indicated State Statutes require the Council to appoint a mayor. He noted that if a mayor is appointed August 1, 1999, the person will serve as mayor for the remainder of the term until December 31, 2000. However, effective August 1, 1999, the law was amended to allow City Council to hold a special election before the next State General Election in November 2000. Under the new law an appointed mayor would serve until special election. Whoever won the special election would then serve the remaining mayor term until December 31, 2000.

Attorney Gilligan also noted that his memo outlined the procedure if a majority vote is not achieved by the Council. If there is a tie vote, the Mayor pro tem shall make the appointment. He added that if a Council Member is appointed to fill out the mayoral term, the same procedure would apply to fill the Council seat. In addition, if a Council Member is appointed as mayor, that Member gives up their Council seat.

The Council briefly discussed the pros and cons of holding a special election versus appointing a mayor and or council member. They agreed to gather constituent feedback and discuss the issue at the July 20, 1999, meeting.

REQUEST RECEIVED FROM ENERGY CENTS COALITION TO ADOPT AFFORDABLE ENERGY RESOLUTION Pam Marshall from the Energy Cents Coalition explained her letter of June 15, 1999, requesting Council's support of universal service support in a deregulated

electric utility market. Following a brief discussion, Council consensus was to pass on the request and possibly look at the request in the future.

***RECEIPT OF COMPREHENSIVE 1998 ANNUAL FINANCIAL REPORT (CAFR) ACKNOWLEDGED** Motion made by Member Kelly and seconded by Member Hovland acknowledging receipt of the 1998 Comprehensive Annual Financial Report (CAFR).

Motion carried on rollcall vote - four ayes.

CLAIMS PAID Motion made by Member Kelly approving payment of the following claims as shown in detail on the Check Register dated June 30, 1999, and consisting of 53 pages: General Fund \$686,653.38; C.D.B.G. \$19.50; Communications \$43,808.94; Working Capital \$10,311.50; Art Center \$18,254.97; Golf Dome Fund \$13,140.34; Swimming Pool Fund \$32,190.22; Golf Course Fund \$71,561.63; Ice Arena Fund \$6,263.29; Edinborough/Centennial Lakes \$19,081.93; Utility Fund \$294,657.96; Storm Sewer Utility Fund \$2,989.85; Liquor Dispensary Fund \$270,222.48; Construction Fund \$15,406.99; Park Bond Fund \$14,696.00; I-494 Commission \$328.00; TOTAL \$1,499,586.98; and for confirmation of payment of the following claims as shown in detail on the Check Register dated July 2, 1999, and consisting of 3 pages: General Fund \$458,306.12; Working Capital \$394.13; Swimming Pool Fund \$165.08; Edinborough/Centennial Lakes \$500.00; Liquor Dispensary Fund \$80,526.69; TOTAL \$539,891.69. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor pro tem Maetzold adjourned the Council Meeting at 10:25 P.M.

City Clerk

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